

Douglas Peart  
January 4, 2017

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

CORNELIA NOEL,  
Plaintiff

)  
)

V.

) C.A. NO. 4:15-CV-01087

SHELL OIL COMPANY, SHELL )  
INTERNATIONAL E&P, INC., AND )  
DEBO OLADUNJOYE, )  
Defendant )

\*\*\*\*\*

ORAL DEPOSITION OF

DOUGLAS PEART

JANUARY 4, 2017

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ORAL DEPOSITION of DOUGLAS PEART, produced as a witness at the instance of the Plaintiff, and duly sworn, was taken in the above-styled and numbered cause on the 4th of January, 2017, from 2:27 p.m. to 4:43 p.m., before Wendi Broberg, CSR in and for the State of Texas, reported by machine shorthand, at the offices of One Shell Plaza, 910 Louisiana Street, Conference Room 48000, Houston, Texas 77002, pursuant to the Federal Rules of Civil Procedure.

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A P P E A R A N C E S

FOR THE PLAINTIFF CORNELIA NOEL:

MR. NASIM AHMAD  
CLINE|AHMAD  
723 Main Street  
Suite 904  
Houston, Texas 77010  
Ph. (832) 767-3207  
Fax (281) 864-4379  
E-mail: nahmad@cline-ahmad.com

FOR THE DEFENDANT SHELL OIL COMPANY:

MS. TERAH MOXLEY  
ESTES THORNE & CARR, P.L.L.C.  
3811 Turtle Creek Boulevard  
Suite 2000  
Dallas, Texas 75219  
Ph. (214) 599-4000  
Fax (214) 599-4099  
E-mail: tmoxley@estesthorneccarr.com

FOR THE DEFENDANT SHELL OIL COMPANY:

MS. CYNTHIA BIVINS  
SHELL OIL COMPANY - INHOUSE COUNSEL  
One Shell Plaza  
910 Louisiana  
Houston, Texas 77002  
Ph. (713) 241-7495  
E-mail: cynthia.bivins@shell.com

ALSO PRESENT:

Ms. Cornelia Noel

REPORTED BY:

WENDI BROBERG, CSR 7091  
Contracted by:  
Raska Reporting  
Firm Registration No. 604  
4008 Louetta Road, Suite 233  
Spring, Texas 77388  
Ph. (832) 998-0015

Raska Reporting  
(832) 998-0015

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1	INDEX OF EXHIBITS		
2	NUMBER	DESCRIPTION	MARKED/IDENTIFIED
3	1	E-mail string, earliest from Jerry Jackson to Jamie Allen, Doug Peart, cc Udofia, Guerrini, dated 3/4/14 re Cornelia Noel Repatriation; latest from Doug Peart to Allen, Udofia, Guerrini dated 3/11/14 re any information regarding her background and technical skills (Bates Nos. Shell/Noel 003187 - 003190)	17
8	2	E-mail string, first from Gouri Venkataraman to Doug Peart dated 12/19/14 re what I plan to enter into Cornelia's performance summary; last from Venkataraman to Snider, cc Peart, dated 12/19/14 re all GPAs closed out (Bates Nos. Shell/Noel 003763 - 003764)	50
13	3	E-mail from Gouri Venkataraman to Alyssa Snider, cc Doug Peart, dated 11/14/14 re behavioral issues with Cornelia that I believe are not redeemable (Bates No. Shell/Noel 003771)	51
17	4	E-mail string, first from Noel to Peart dated 1/21/15 re please elaborate on my performance issues; last from Peart to Noel, cc Snider, dated 1/21/15 re "OR Feedback - Cornelia" (Bates Nos. Shell/Noel 003721 - 003722)	55

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1 DOUGLAS PEART,  
2 having been first duly sworn, testified as follows:

3 EXAMINATION

4 BY MR. AHMAD:

5 Q Good afternoon.

6 A Afternoon.

7 Q Would you state your name for the record,  
8 please.

9 A Douglas Peart.

10 Q All right. Mr. Peart, have you ever given a  
11 deposition before?

12 A Yes, I have.

13 Q How many times do you think?

14 A Just once.

15 Q Okay. How long ago was that?

16 A Oh, probably five or six years.

17 Q Okay. So you're somewhat familiar with the  
18 process?

19 A Yes.

20 Q All right. Let me just say that you understand  
21 that you are under oath?

22 A Uh-huh.

23 Q All right. If you do not understand any of my  
24 questions, let me know, and I'll be happy to rephrase  
25 and try to work through that. Okay?

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1           A     Yeah.

2           Q     All right. And because we do have a court  
3 reporter here taking down everything that everybody  
4 says, sometimes I may prompt you for an oral response.  
5 In everyday conversation we communicate nonverbally all  
6 the time. Unfortunately, we cannot do that in a  
7 deposition. So I'm not trying to be rude. I just -- I  
8 may prompt you for an oral response. Okay?

9           A     That's fine.

10          Q     All right. What have you done to prepare for  
11 your deposition, sir?

12          A     I did some personal reflecting trying to recall  
13 some of the events. We had visited with the Shell  
14 attorneys yesterday.

15          Q     Okay. And did review any documents to prepare?

16          A     I did.

17          Q     Okay. What documents did you review to prepare  
18 for your deposition?

19          A     There were I want to say three e-mails. One  
20 was a calendar event and then a couple of e-mails.

21          Q     Okay. So just about three, three or four  
22 documents?

23          A     Uh-huh.

24          Q     Yes?

25          A     Yes.

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1 Q Okay. All right. Did any of those documents  
2 help you refresh your memory?

3 A They did, yes.

4 Q Okay. So you understand that I represent  
5 Ms. Noel in a lawsuit against Shell, correct?

6 A Yes, I do.

7 Q All right. And you know Ms. Noel?

8 A Yes.

9 Q How do you know Ms. Noel?

10 A She was part of my team back in 2014, 2015 time  
11 frame.

12 Q Okay. And how about before that time, had  
13 Ms. Noel been a part of your team before that time at  
14 all?

15 A No. I had seen a presentation she had done  
16 when she was with the research group.

17 Q Okay.

18 A Then I believe she went off to Nigeria, and I  
19 hadn't seen her during that time frame.

20 Q Okay. Do you know how long she was in Nigeria?

21 A No.

22 Q All right. So you knew -- before Ms. Noel  
23 actually joined your team, you knew who she was?

24 A I knew of her, yes.

25 Q Okay. When Ms. Noel was working in Nigeria,

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1 did you ever have a chance to see her in Nigeria?

2 A No.

3 Q Okay. Do you recall visiting Nigeria around  
4 the time that Ms. Noel would have been working in  
5 Nigeria? Do you recall that at all?

6 A I was in Nigeria -- and I don't remember. I  
7 was in Nigeria for an accident investigation. If she  
8 was there, I may have seen her then. I don't recall.

9 Q Okay. Do you recall what the accident was that  
10 you were investigating?

11 A It was a fatality on a service vessel.

12 Q I'm sorry?

13 A It was a fatality on a service vessel.

14 Q Oh, okay. All right. But you don't recall  
15 seeing Ms. Noel when you were there in Nigeria?

16 A I don't recall.

17 Q Okay. You might have, might not have?

18 A I may have, may not have.

19 Q Okay. What is your -- what is your position  
20 with Shell?

21 A I'm retired.

22 Q Okay. When did you retire from Shell?

23 A Last year, end year, 31st December.

24 Q 12/31 of 2015?

25 A '15, yes, sir.



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1 Q How long did you work for Shell?

2 A 38 and a half years.

3 Q All right.

4 A Give or take a day.

5 Q When you retired, what was your title?

6 A General manager of SURF.

7 Q That's S-U-R-F all caps?

8 A Yes, sir.

9 Q What does SURF stand for?

10 A Subsea Umbilicals, Risers and Flowlines.

11 Q All right. And how long did you hold that  
12 title?

13 A Oh, I was in that role, general role 20  
14 years --

15 Q Okay.

16 A -- plus or minus.

17 Q All right. And how is it that Ms. Noel came to  
18 be part of your team? Do you recall?

19 A Yes. I was approached by Jamie Allen who was  
20 from the HR Department and Jerry Jackson who was general  
21 manager in Nigeria. They shared with me that they were  
22 having some issues with Cornelia both from a performance  
23 standpoint as well as conflicts with other individuals  
24 and they needed to have her leave the organization.  
25 They felt that Subsea was her natural home, so I was

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1 instructed to -- to take her in to my organization.

2 Q And how did you receive that I guess message or  
3 information or instruction about Ms. Noel? Was that --  
4 do you recall was that by e-mail? Was that a telephone  
5 conversation? Do you recall?

6 A It was verbal.

7 Q Okay.

8 A It was -- the conversation, the things I can  
9 remember, they were all verbal.

10 Q Okay. Is Jamie Allen in Houston?

11 A No, I believe she's in Louisiana now.

12 Q Okay. Was she in Houston at the time?

13 A Yes.

14 Q And so you met with her face-to-face you think?

15 A I did.

16 Q Okay. And you recall that specifically?

17 A Yes. And then at an event in I believe it was  
18 Singapore, she and Jerry Jackson met with me and gave me  
19 a bit of a brief and instructed me basically that we  
20 were going to take Cornelia into our organization. It  
21 was the best fit for her skills.

22 Q Okay. And that -- did you say that was in  
23 Singapore?

24 A I want to say it was -- I think it was  
25 Singapore. It was in the east. It was one of our

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1 project get-togethers.

2 Q I take it that you traveled quite a bit in your  
3 job?

4 A Yes, I did.

5 Q Okay. I mean, we're five minutes in, and we're  
6 talking --

7 A Which is --

8 Q -- about going to Nigeria and Singapore.

9 A Yes.

10 Q Okay. So what -- so what did you think when  
11 you had these discussions with Mr. Jackson and  
12 Ms. Allen? What were your thoughts?

13 A Well, my first reaction was I really didn't  
14 have a good position for her that I thought would fit  
15 well with what I envisioned her capabilities to be. I  
16 was a little disappointed that they would -- if there  
17 really were performance issues that they would put  
18 her -- force her into this -- my organization. She was  
19 hired in the Research Department, so I thought maybe  
20 that was a good place that she could get back into  
21 since, again, that also seemed to be a better fit for  
22 what her skills were.

23 Q Did you discuss that with Ms. Allen and/or  
24 Mr. Jackson?

25 A I did.

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1 Q And how did they respond? What was the  
2 response?

3 A Jerry was just more providing information.  
4 Jamie stated that basically that was the way they  
5 intended to do this so let's find her a space and we  
6 did.

7 Q Okay. And who found her the space?

8 A That was myself and my delivery managers. We  
9 talked about where the greatest need was, where we  
10 thought she could help us the most, and we came up with  
11 this liaison position reporting to Gouri.

12 Q I'm sorry. Reporting to who?

13 A Gouri Venkataraman.

14 Q I'm sorry. How do you pronounce his last name?

15 A Venkataraman.

16 Q Venkataraman?

17 A Yes.

18 Q Okay. And his first name is Gouri?

19 A Gouri.

20 Q Okay. All right. And who found Ms. Noel that  
21 position reporting to Gouri?

22 A Who found it? We had -- that position was an  
23 open position --

24 Q Okay.

25 A -- in the system. We had posted once for it,

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1 at least once for it, hadn't been able to fill it, and  
2 so this looked like the best option at the time.

3 Q So it was an open position that you put  
4 Ms. Noel?

5 A Correct.

6 Q Was Ms. Noel -- from a skillset standpoint, was  
7 she qualified to do that work?

8 A Yes, in my view she was.

9 Q All right.

10 A Yeah, sure.

11 Q Did you ever recommend terminating Ms. Noel?

12 A I don't -- don't -- I didn't recommend  
13 terminating her.

14 Q Okay.

15 A No.

16 Q Did -- do you know if anybody else at Shell  
17 recommended that Ms. Noel be terminated?

18 A Don't know.

19 Q Okay. All right. So you don't know if Gouri  
20 recommended that Ms. Noel be terminated?

21 A I don't know.

22 Q Okay. You never discussed that with him?

23 A No.

24 Q All right.

25 A We discussed performance more generally --

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1 Q Okay.

2 A -- but not a specific recommendation that we  
3 terminate her, no.

4 Q So if Gouri did make that recommendation to  
5 terminate Ms. Noel's employment, you have no knowledge  
6 of that?

7 A No.

8 Q Correct?

9 A Correct.

10 Q Okay. The discussions that you had with Gouri  
11 about Ms. Noel's performance more generally, can you  
12 tell me about what you recall from those discussions?

13 A The best I can. There was feedback from Gouri  
14 related to her willingness to focus on the  
15 responsibilities and accountabilities of the role  
16 itself. There was a -- he described a tendency to want  
17 to wander into other things that were peripheral to the  
18 assignment and not part of her normal job  
19 responsibilities. He talked about some clashes with  
20 others in the time frame. That was about the extent of  
21 the feedback.

22 Q And what types of clashes are you referring to?  
23 Do you recall what he said about that?

24 A Well, there were disagreements obviously, but  
25 there was also these accusations, again, of other people

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1 stealing her work and taking her ideas and such.

2 Q And was that going on?

3 A I don't know.

4 Q Okay. Well, what did you do when Gouri made  
5 those comments to you about Ms. Noel?

6 A So I don't remember specifically but generally  
7 I would ask him to follow up, coach her, have  
8 conversa -- try to help her interact in a more positive,  
9 constructive way, that the way to get sometimes what you  
10 want was to be more constructive and not try to  
11 challenge all the time and so that was the gist of  
12 what -- what we would talk about.

13 Q Okay. You can understand how if what Ms. Noel  
14 was saying at the time were true, you can understand how  
15 Ms. Noel would be upset about that?

16 A I can understand that.

17 Q Okay. Did you discuss that aspect with Gouri  
18 about looking into whether that was true?

19 A General -- again, I don't remember the  
20 specifics of the conversation. Generally when we'd have  
21 situations like that, maybe not in those exact words,  
22 but that would be the -- what we'd ask them to do is to  
23 follow up. Typically we would ask delivery managers to  
24 take all of the complaints seriously, to follow up to  
25 where they could help the individual to established

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1 coaching session to help them improve their performance  
2 and ultimately be more productive.

3 Q Did Ms. Noel ever report directly to you?

4 A No.

5 Q Did you ever have the opportunity to observe  
6 Ms. Noel's job performance?

7 A I did.

8 Q How so?

9 A We -- the company came out with a new cell  
10 phone policy with some clear principles about who would  
11 ultimately get cell phones with data capability, who  
12 would get cell phones, who would have to use a pool of  
13 cell phones. We asked her to look -- the whole goal was  
14 to reduce the overall cell phone usage and the cost of  
15 information systems like phones and Blackberries in  
16 particular. So I had the opportunity to see her report  
17 out on that.

18 Q I'm sorry. See her?

19 A Report back to the leadership team on her  
20 assessment, how the principles might apply, what her  
21 recommendations were.

22 Q Any other ways in which you were able to  
23 personally observe Ms. Noel's job performance?

24 A No.

25 Q Okay. For how long did Ms. Noel report to



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1 Gouri?

2 A I don't remember how long.

3 Q Was there a point in time that Ms. Noel stopped  
4 reporting to Gouri?

5 A She didn't -- well, Gouri was transferred to  
6 India and when he left we posted his position and Sue  
7 Moore took over that role reporting to me.

8 Q And do you recall when that was?

9 A No. I don't have the dates anymore.

10 Q Do you know roughly when it was? Can you  
11 ballpark it for me, or you have just no idea?

12 A I'd be guessing I'd have to say.

13 Q What's your best guess?

14 A I think Sue was in my -- was with me I'd say  
15 for a year before I retired. That's my only best guess.

16 Q Roughly a year?

17 A I'd say a year, plus, minus.

18 Q Okay.

19 (Exhibit 1 marked)

20 Q (By Mr. Ahmad) Mr. Peart, I have handed you  
21 what's been marked as Exhibit No. 1 to your deposition.  
22 Do you recognize that document?

23 A Well, it has my name on it so from that  
24 perspective, yes, but given the myriads of e-mails that  
25 I've received, no, I don't remember it specifically.

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1 Q All right. Well, the most recent in the chain  
2 is an e-mail from you to Jamie Allen --

3 A Yes.

4 Q -- and others, right?

5 A Yes.

6 Q In which you're inquiring about Ms. Noel's  
7 background and technical skills?

8 A Yes.

9 Q Okay. Did you ever -- let me ask you: When  
10 you were discussing Ms. Noel around this time frame with  
11 Ms. Allen and Mr. Jackson, do you recall a discussion  
12 about who Ms. Noel was having conflicts with in Nigeria?

13 A No, not specifically.

14 Q Around this time were you aware that there had  
15 been an investigation done in Nigeria into allegations  
16 that Ms. Noel had raised?

17 A No.

18 Q Did you ever hear about --

19 A No.

20 Q -- that investigation? Okay.

21 So you never discussed that with either  
22 Mr. Jackson, Ms. Allen or David Williams?

23 A I think, no, not that I can recall.

24 Q Okay. Do you know why Ms. Noel has filed a  
25 lawsuit against Shell?

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1           A     I -- no, I don't really know exactly other than  
2     when we asked her to -- when her position went away and  
3     we -- and she -- they asked her to post for another  
4     position, she quit and thus the -- so it's related to  
5     that. I think she -- I don't know.

6           Q     Okay. Why do you say that Ms. Noel quit her  
7     job?

8           A     Because she wasn't terminated, and she left.  
9     We were together I think in mediation and my assumption  
10    was she had left the company, but that may be wrong.

11          Q     Okay. All right. So your recollection is that  
12    after her position was eliminated Ms. Noel just left  
13    Shell? She resigned voluntarily? That's your  
14    understanding?

15          A     That's my understanding.

16          Q     Okay. Do you know how Ms. Noel's position came  
17    to be eliminated?

18          A     We had filled the position so yes is the answer  
19    to the question.

20          Q     Okay.

21          A     I know how --

22          Q     Sure.

23          A     -- it came to be.

24          Q     And how is it that Ms. Noel's position came to  
25    be eliminated?

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1           A       So we had the position open. It was a position  
2       that was created in an organization design. It was an  
3       idea to try to put a role in place since we here in  
4       Houston -- my organization was the center of excellence  
5       for subsea globally. We would often have to provide  
6       technical service to other locations around the globe  
7       including Nigeria, including FLNG and Kuala Lum -- and  
8       other deepwater projects in Kuala Lumpur and other areas  
9       of the world where projects with subsea were happening.  
10      That was the role she was in. Whether -- I think as --  
11      as things matured, her inability to really turn that  
12      role into something meaningful that warranted keeping  
13      the position began to become less important, and we  
14      decided that as we were trying -- thinking ahead to  
15      trying to begin to deal with a shrinking portfolio, this  
16      would probably -- this would be a position that we could  
17      eliminate.

18           Q       And who first raised that idea that the  
19      position could be one that y'all could eliminate? Do  
20      you recall that?

21           A       It would have been in the conversation with  
22      Gouri and I as we had conversations. His group was a  
23      bit unique in that it had some different more unique  
24      positions, this being one of them -- there were several  
25      others -- and we often talked about is this right,

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1     should we shrink, should we continue to grow, is this a  
2     position that we could do without, are we really getting  
3     value out of this particular role. So likely -- again,  
4     don't remember the specifics, but generally that would  
5     have happened in a conversation and would have fit in  
6     that model in which we worked.

7           Q     When you were discussing the elimination of the  
8     position with Gouri, did you express to him one way or  
9     the other an opinion as to whether you thought that was  
10    a good idea or not, or do you recall?

11          A     I mostly would ask and listen. I would offer  
12    some ideas and depending on in the long-term strategy  
13    for the whole organization may or may not support the  
14    tactical choice to eliminate a position here, eliminate  
15    a position elsewhere in the organization. There was  
16    always a flux in positions as projects changed, as  
17    portfolios changed.

18          Q     So do I understand you to be saying that you  
19    were of the mind-set that eliminating that position was  
20    something that would be a good idea?

21          A     Yes.

22          Q     Okay.

23          A     We agreed that, in fact, the position as it was  
24    in -- looked to be developing wasn't going to be  
25    something that was worth holding on to in the

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1 organization. That's correct.

2 Q When you had that discussion with Gouri, did  
3 you also have a discussion about where Ms. Noel would  
4 go?

5 A We -- not so much with Gouri, I wouldn't say,  
6 other than it would have been mainly with Gouri and  
7 Alyssa I would say. We would have talked about that  
8 this position isn't working, how do we -- you know, what  
9 do we do, how do we deal with the fact that somebody is  
10 in there now, Cornelia in this particular case. The  
11 answer was, well, you give her several opportunities to  
12 post out into the bigger organization and find a role  
13 there which was typically the way it would have been  
14 done. It sounded like a good idea to me at the time to  
15 your question before because, No. 1, again, we weren't  
16 getting a lot out of the position; No. 2, it didn't look  
17 like the current course was going to turn it into a  
18 positive addition; and, No. 3, the opportunity to post  
19 perhaps would give Cornelia an opportunity to find a  
20 role that was a better fit, maybe better suited to her  
21 specific skills.

22 Q Do you know if Ms. Noel posted for any  
23 positions after she was told that her position was being  
24 eliminated?

25 A I don't know.

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1           Q     Did you have an opinion or a feeling whether  
2     Ms. Noel would be able to find another position at Shell  
3     after she was told that her position was being  
4     eliminated?

5           A     I've had -- I didn't really have a strong  
6     opinion one way or the other. You know, I know that  
7     typically IPFs are provided and references are provided.  
8     That in and of itself would suggest to me that it -- if  
9     the individuals followed up with references that might  
10    be -- create some difficulty. By the same token, I've  
11    had individuals that had similar performance and they've  
12    found positions. So it all just depends on the needs at  
13    the time, the specific individual, the skills they  
14    possess and what the role was.

15          Q     When you say that you've had individuals with  
16    similar performance find positions, what do you mean by  
17    that as far as similar performance?

18          A     So I've had individuals that had opportunities  
19    to improve that were underperforming in the role as  
20    per -- as to expectations for that particular role that  
21    either on their own most of the time would look for  
22    other positions.

23                   MR. AHMAD: I want to object as  
24    nonresponsive.

25          Q     (By Mr. Ahmad) I think my question was a

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1 little bit different.

2 A Okay.

3 Q You mentioned individuals with similar  
4 performance to Ms. Noel --

5 A Uh-huh.

6 Q -- and so I want to -- I want to talk about  
7 that. How is it that you are measuring performance when  
8 you talk about similar performance to Ms. Noel?

9 A Okay. It's actual accomplishments relative to  
10 the goals and plans that were set.

11 Q And how is that measured?

12 A The results are captured and assessed against  
13 that particular goal. There's a conversation, an  
14 assessment made as to the success thereof, the accuracy  
15 thereof, the depth and -- of the -- of the work --

16 Q Okay.

17 A -- done by the supervisor.

18 Q All right. You mentioned IPFs --

19 A Uh-huh.

20 Q -- right? Yes?

21 A Yes. Sorry.

22 Q What is an IPF? It's all right.

23 A Individual performance factor.

24 Q Okay. And each year an employee is given an  
25 IPF?



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1 A That's correct.

2 Q Okay. And it ranges from what to what?

3 A It tests my memory, I'm afraid, but I'd say --

4 Q That's what I'm here to do.

5 A -- .4 to 1.4.

6 Q .4 to 1.4?

7 A Alyssa is probably the best -- HR is probably  
8 the best to get the exact --

9 Q Okay.

10 A -- but it's in that general vicinity.

11 Q Okay. Do you know what Ms. Noel's IPF for 2014  
12 was?

13 A I don't remember specifically.

14 Q Do you recall it being very low?

15 A I don't remember.

16 Q Okay. If I were to tell you that Ms. Noel's  
17 IPF for 2014 was a .5, would that surprise you?

18 A No.

19 Q Okay. Why not?

20 A Basis, again, the performance in the role  
21 against expectations of her performance, in the IPF  
22 session that gets compared to other individuals in her  
23 job group.

24 Q Which job group would Ms. Noel have been on?

25 A I believe she was a 2 at the time.

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1 Q Okay.

2 A And she would compete with the other 2s. The  
3 company would issue some specific guidance in terms of  
4 average IPFs of a pool. There would be a lot of  
5 conversation, a lot of debate on contributions,  
6 performance against expectations. This is where  
7 behaviors and collaboration would tend to come into the  
8 conversation more in terms of how they did their work,  
9 not just that they did it and so there would be a  
10 relative assessment offered by the individual delivery  
11 managers and it would get discussed and worked until it  
12 maintained some statistical significance. Then at the  
13 end of that process, there would typically be any number  
14 of checks, diversity checks to ensure -- to ensure -- to  
15 test the data against bias in terms of gender, ethnicity  
16 and such.

17 Q At the time that Ms. Noel was given her 2014  
18 IPF, she was the only one performing the duties that she  
19 was performing; is that fair?

20 A Yes.

21 Q Meaning there's nobody else performing those  
22 similar duties?

23 A Well, I say yes. Again, that position -- let  
24 me -- let me back up. So the work requests would come  
25 in from around the globe. They would come into the

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1 organization to any number of individuals. The role was  
2 created to actually position a central point for these  
3 engineering requests to come into, are they reasonable,  
4 are they being put to the right place in the  
5 organization, is there budget to pay for the time and so  
6 on. So the work was getting done. It didn't stop being  
7 done the way it had been done at that point in time. So  
8 it's not that there was another individual specifically  
9 tasked to do what she did, if that helps.

10 Q Okay. I think I understand.

11 At the time -- well, let me ask you if you  
12 recall. Do you recall when Ms. Noel was repatriated?

13 A Vaguely.

14 Q Roughly when?

15 A I don't remember the time.

16 Q Okay. Does right around July, August 2014 time  
17 frame sound right?

18 A It could be, yes.

19 Q Okay. How was that handled with respect to an  
20 IPF when an employee completely changes jobs midway  
21 through the year?

22 A There's a collaboration between the current  
23 supervisor and the past supervisor. They talk about  
24 what each -- what the other is proposing, what the other  
25 maybe would have proposed. So there's a meshing of the

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1 ideas to come -- with a singular recommendation for an  
2 IPF.

3 Q Okay. And so Gouri would have been working  
4 with whom or collaborating with whom to come up with  
5 Ms. Noel's 2014 IPF? Do you know?

6 A Debo, I believe.

7 Q Do you know Debo's last name?

8 A Starts with an O.

9 Q Okay. We can leave it at that. If you're  
10 letting me get away with Gouri, then I will let you go  
11 with --

12 A Thank you.

13 Q All right. Do you know Debo?

14 A I've met Debo, yes, several times.

15 Q But you've never worked with him --

16 A No.

17 Q -- on an ongoing basis? Okay. All right.

18 I asked you earlier if you knew why or the  
19 circumstances around Ms. Noel being repatriated --

20 A Yes.

21 Q -- and I want to just dig into that a little  
22 bit more. When you were told that Ms. Noel was being  
23 repatriated, were there -- do you know were there other  
24 folks in Nigeria who could have been repatriated instead  
25 of Ms. Noel?

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1           A     I -- there was at least one other U.S. based  
2 staff that was in Nigeria at the time that I can recall  
3 that could have been, but I don't think the roles were  
4 the same.

5           Q     Okay. Here's what I'm struggling with.

6           A     Okay.

7           Q     Ms. Noel gets repatriated into the  
8 United States into a position that was going away, and  
9 so knowing what you know, Ms. Noel coming to the  
10 United States and you finding a spot for her, is it fair  
11 to say that because of that, because of that process,  
12 because Ms. Noel was put in that job that's ultimately  
13 why her employment was terminated is because she went --  
14 she was placed into a job that was going away shortly  
15 thereafter?

16                   MS. MOXLEY: Objection. Assumes facts.  
17                   Go ahead.

18                   THE WITNESS: Oh.

19           A     That's a false premise, I would say.

20           Q     (By Mr. Ahmad) Okay. How so?

21           A     Because there was never an intent at that point  
22 to dissolve that position. That wasn't the goal of  
23 putting someone in there. We were trying to fill that  
24 position and had tried to fill it. I saw it as  
25 potentially adding value to helping Global work in a

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1 more efficient way. The opportunity came up. For me it  
2 was here is an employee, do something. We had an  
3 opportunity. It was actually a lesser job group than  
4 she was at the time, so I felt like given her  
5 understanding of Nigeria and some other places  
6 potentially that she could help me create something with  
7 that position.

8 Q I understand what you're saying, and I just  
9 want to make sure that my question is clear.

10 A Yeah.

11 Q I am not -- I did not mean to suggest that you  
12 knew at the time --

13 A Oh.

14 Q -- that the role was going to be going away,  
15 but sitting here today looking back on it that is what  
16 happened. Ultimately --

17 A Yes.

18 Q -- the position did not materialize --

19 A Correct.

20 Q -- and it had to just be eliminated, correct?

21 A Correct.

22 Q Okay. Or at least that was the recommendation  
23 made to you by Gouri, right?

24 A Yes.

25 Q Okay. And so is it fair to say do you believe

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1 that had -- if Ms. Noel had not been repatriated, if  
2 somebody else had been repatriated, then Ms. Noel would  
3 most likely still be working for Shell?

4 MS. MOXLEY: Objection. Calls for  
5 speculation.

6 A I would say it depends on if they did the job  
7 the same way or they were able to create something out  
8 of it. If the job would have gone away, they as well  
9 would have been given an opportunity to post and find  
10 another position, not leave Shell. So it's speculative.  
11 I don't know --

12 Q (By Mr. Ahmad) Sure, sure.

13 A -- is the answer but --

14 Q Well, you talk about trying to find another  
15 position within Shell, but that was I think, as you  
16 mentioned before, that would have been difficult for  
17 Ms. Noel given her 2014 IPF; is that fair?

18 A It would have been -- I would guess that it  
19 would be harder with lower IPFs, correct.

20 Q Yes, especially with an IPF of .5?

21 A Yes.

22 Q That's a tough sale for someone?

23 A Depends on, again, the role and the need and --  
24 I've seen it before, so it's not out of the question  
25 certainly. It's just -- it all depends. I couldn't

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1 tell you what -- who needed what, when in that time  
2 frame.

3 Q Okay. I may have asked you this before but I  
4 don't recall what your answer was if I did ask you so I  
5 will ask you again.

6 A Okay.

7 Q Did you have a discussion with Ms. Allen and/or  
8 Mr. Jackson about why Ms. Noel was being repatriated?

9 A Yes.

10 Q Okay. And I don't mean the reason for why -- I  
11 apologize. It's a bad question. But what I really mean  
12 to say is did you have a discussion with them, Ms. Allen  
13 and/or Mr. Jackson, about why Ms. Noel versus somebody  
14 else would be repatriated?

15 A No.

16 Q Okay. I believe you told me that they told you  
17 that Ms. Noel was being repatriated because of some, I  
18 don't know, did you say conflicts or clashes or --

19 A It said performance issues and conflicts with a  
20 number of other staff.

21 Q Yes, when it comes to -- when it comes to  
22 conflicts, you obviously have to have more than one  
23 person involved in a conflict, fair?

24 A Correct.

25 Q Okay. So when it comes to conflicts that



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1 Ms. Noel had, somebody else may have been as culpable or  
2 more culpable for the conflicts involving Ms. Noel in  
3 Nigeria. Is that a fair statement?

4 MS. MOXLEY: Objection. Calls for  
5 speculation.

6 A My understanding is there were more than one.  
7 It was enough of an issue that they wanted me to take  
8 her back.

9 Q (By Mr. Ahmad) I understand that's your  
10 understanding, and that's your understanding coming from  
11 Ms. Allen and/or Mr. Jackson, right?

12 A Yes.

13 Q Okay. Anybody else who gave you that  
14 understanding?

15 A No.

16 Q Did you talk to anybody else about Ms. Noel  
17 before she was repatriated?

18 A (Moving head side to side.)

19 Q Just Ms. Allen and Mr. Jackson?

20 A Best as I can recall --

21 Q Okay.

22 A -- it was Jamie Allen and one conversation with  
23 Jerry Jackson.

24 Q Okay.

25 A I did -- I take it back. I did talk to my boss

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1 because I wanted him to be aware of what was going on  
2 and support the plan that they had put in place.

3 Q And who is your boss?

4 A Ian Silk.

5 Q Okay. Who is David Williams?

6 A David Williams would have been Alyssa's boss,  
7 so he is the HR manager.

8 Q Did you ever speak to Mr. Williams about  
9 Ms. Noel?

10 A No.

11 Q Okay. So let's go back to my other question.  
12 As a general proposition --

13 A Okay.

14 Q -- you would agree that if an employee has  
15 conflicts there may be another employee who is at least  
16 as culpable or more culpable for the conflict than the  
17 employee who is said to have the conflict?

18 A It's possible.

19 Q Okay. But you did not have any discussions  
20 with Ms. Allen and/or Mr. Jackson about that?

21 A No.

22 Q Okay.

23 A Not the specifics of the issues.

24 Q You just let them make the call as far as who  
25 would be repatriated?

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1           A     Let them might be a little bit more. It was  
2 going to happen and that was the bit -- the conversation  
3 with Ian and there was confirmation that this was the  
4 plan and we should find her a spot so I did.

5           Q     Let me do it this way: You did not make the  
6 decision to repatriate Ms. Noel?

7           A     No.

8           Q     Okay. Somebody else did?

9           A     Yes.

10          Q     For whatever reason that they may have?

11          A     Yes.

12          Q     Okay.

13          A     That's correct.

14          Q     Do you know one way or the other whether  
15 Ms. Noel raised some issues about her working  
16 environment in Nigeria?

17          A     Not until she came into my organization.

18          Q     Okay. And how did you learn of the issues that  
19 Ms. Noel had raised in Nigeria?

20          A     Typically I would have -- and I remember a  
21 one-to-one conversation that we had generally speaking  
22 would talk about the opportunity, the role, what I hoped  
23 it could be, how I envisioned that individual, in this  
24 case Cornelia, could help us be better. At that time  
25 she produced a fairly lengthy document of specific

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1 issues and feedback from Nigeria and her rebuttal and  
2 proceeded to go through that fairly lengthy list.

3 Q So Ms. Noel discussed that directly with you?

4 A Yes, she did.

5 Q Okay. And just so we're clear, I am asking you  
6 what your knowledge is sitting here today. Okay?

7 A Yes. Okay.

8 Q All right. And so sitting here today, do you  
9 also know that there was an investigation by human  
10 resources into the concerns that Ms. Noel had raised  
11 about her working environment in Nigeria?

12 A Not that I recall.

13 Q Okay. So Ms. Noel didn't discuss about --  
14 didn't discuss with you anything about the investigation  
15 that was done by human resources in Nigeria?

16 A Not that I can recall.

17 Q Okay.

18 A If you've got a document that could help me,  
19 I'd be happy to take a look at it, but I don't remember  
20 that, no.

21 Q All right. And so you don't know who would  
22 have conducted the investigation into Ms. Noel's  
23 concerns that she raised in Nigeria?

24 A No.

25 Q All right. And so you don't know the result of

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1 the investigation into Ms. Noel's concerns about the  
2 working environment in Nigeria?

3 A No.

4 Q Okay. Are you aware at the time that you were  
5 at Shell -- and we can say around this time frame --

6 A Okay.

7 Q -- that Ms. Noel was repatriated, are you aware  
8 around that time did Shell have an antidiscrimination  
9 policy?

10 A Yes.

11 Q How do you know that?

12 A We had training on it and had documentation to  
13 support that.

14 Q Okay. And do you know if Shell also had an  
15 anti-retaliation policy?

16 A Anti -- I don't know what that -- what you  
17 mean.

18 Q Okay. Do you know one way or the other whether  
19 it is unlawful to retaliate against an employee for  
20 raising concerns of discrimination in the workplace?

21 A That was part of the -- I believe that was part  
22 of the overall training, yes.

23 Q Okay. So antidiscrimination, anti-retaliation  
24 policy, is that right? Is that your understanding?

25 A I never heard of it as anti-retaliation but if

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1 it's related to claims made or accusations made or  
2 concerns expressed, how to deal with that and there was  
3 an understanding, in my mind anyway -- I don't know if  
4 it was actually specifically laid out in the policy --  
5 that we welcomed that and, no, there wasn't --  
6 retaliation wasn't part of the proposal or the process,  
7 if you will.

8 Q Okay. Let me see if I can put a finer point on  
9 that.

10 A Sure.

11 Q How long did say you worked for Shell?

12 A 38 and a half years.

13 Q 38 and a half years.

14 When Ms. Noel came to you to talk about  
15 the issues that she had in Nigeria, do you recall what  
16 those issues were?

17 A I don't remember specifically. In general they  
18 were specific feedback from other individuals,  
19 potentially supervisors I would -- I assume about her  
20 performance, about her ability to get along. Again, I  
21 don't remember. There was a fairly substantial document  
22 that outlined all of these that came -- was part of the  
23 conversation that she and I had when I believe she first  
24 showed up. My -- with the myriads of things that I had  
25 to do, we didn't go through the whole document.

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1 Q All right.

2 A My advice to her was to have a deeper  
3 conversation with her supervisor in HR if needed to be  
4 able to sort through that. I had no firsthand knowledge  
5 of what happened in Nigeria. I didn't have any -- other  
6 than through the concerns expressed by Jerry and Jamie,  
7 I had nothing tangible to say she did this, didn't do  
8 that, did that well, didn't do that well, so it was  
9 not -- I didn't feel like it was mine to be able to  
10 address each complaint, if you will.

11 Q Did you recommend that Ms. Noel contact human  
12 resources?

13 A I did.

14 Q Okay. Did you recommend a specific person for  
15 Ms. Noel to contact?

16 A Well, Alyssa was our HR representative in the  
17 business.

18 Q Okay.

19 A I may have mentioned to Jamie Allen, but I  
20 don't recall specifically.

21 Q Okay. Do you recall Ms. Noel stating that she  
22 had concerns of discrimination, gender discrimination,  
23 gender bias in Nigeria?

24 A I don't remember that, no.

25 Q Okay. Is human resources the appropriate

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1 department to take and handle complaints of  
2 discrimination and/or retaliation?

3 A Yes.

4 Q Are you aware of any other employee -- other  
5 than Ms. Noel, are you aware of any other employee in  
6 your 38 and a half years at Shell who has raised a  
7 complaint of discrimination?

8 A Yes.

9 Q Are you aware of any other employee who has  
10 raised a complaint of retaliation?

11 A No.

12 Q How many times have you learned either  
13 firsthand or heard that an employee has complained of  
14 discrimination?

15 A How many times in the 38 and a half years?

16 Q Yes. And I'm going to assume it's a fairly  
17 rare occurrence, is that --

18 A It is.

19 Q Okay. Do you know how many times you've heard  
20 of a complaint of discrimination?

21 A One a year.

22 Q Okay.

23 A I was a supervisor for 30 years, so figure 30,  
24 25.

25 Q Is an employee, if they feel like they're being



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1 harassed, discriminated against, retaliated against, is  
2 an employee supposed to raise those issues or concerns  
3 with the company?

4 A Absolutely.

5 Q Do you feel that an employee should be free to  
6 raise those concerns without being retaliated against?

7 A Absolutely.

8 Q In other words, let me ask you this: If  
9 Ms. Noel were repatriated because she raised concerns  
10 about her working environment, that would be wrong?

11 A I'm sorry. Ask me again.

12 Q Sure. If the decision to repatriate Ms. Noel  
13 was because she had raised concerns about her working  
14 environment, that would be wrong? Do you agree?

15 A I would agree.

16 Q Do you feel that that would --

17 A Generally.

18 Q Do you feel that that would violate Shell's  
19 policy, antidiscrimination, anti-retaliation policy?

20 A I could speculate, but, again, without -- if it  
21 was a retaliation to -- against a complaint made, a  
22 genuine complaint made for harassment, that would be  
23 wrong I would think in Shell's policy.

24 Q Do you understand that that's one of the things  
25 that Ms. Noel is claiming is that she was -- she was

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1 selected for repatriation because she had raised  
2 concerns about her working environment?

3 A No, I don't.

4 Q If I were to ask you if that -- if that  
5 allegation is true, in other words, if I were to ask you  
6 if Ms. Noel had been repatriated because of the concerns  
7 that she had raised about her working environment in  
8 Nigeria, you can't comment one way or the other about  
9 that because you didn't make the decision to repatriate;  
10 is that fair?

11 A That's true.

12 Q Okay. If I wanted to know whether that was  
13 true, who do you think I should go to? Who would I go  
14 and ask?

15 A You're going have to help me. I'm sorry. I  
16 lost your train --

17 Q If I wanted to know -- if I wanted to get to  
18 the bottom of whether Ms. Noel was selected for  
19 repatriation because of the concerns that she raised  
20 about her working environment in Nigeria, who do you  
21 think I ought to talk to about that?

22 A I would have gone back to Jamie, HR, in HR.

23 Q Jamie Allen?

24 A Jamie Allen. She's the one who brought it to  
25 me, the repatriation, to begin with.

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1           Q     Okay. Ms. Allen would be the best person to  
2 talk to about why Ms. Noel was selected for  
3 repatriation?

4           A     I would think she was involved -- she was  
5 involved in that, yes.

6           Q     Okay.

7           A     I imagine there was an HR person in Nigeria as  
8 well. I think that's right.

9           Q     Okay. Who is Kelly Rogers?

10          A     I don't know.

11          Q     You don't know. Okay. Who is IB Udofia? Do  
12 you know who that is?

13          A     Someone in Nigeria would be my guess, but I  
14 don't know.

15          Q     Okay.

16          A     I've heard the name IB before, but I don't  
17 remember in what context.

18          Q     All right. You recommended that Ms. Noel talk  
19 to Alyssa Snider in human resources about the issues  
20 that she raised with you, right?

21          A     Yes.

22          Q     Do you know what happened after Ms. Noel  
23 contacted Ms. Snider? Do you know what happened about  
24 Ms. Noel's concerns that she raised with Ms. Snider?

25          A     No, I -- no.

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1 Q Do you know if Ms. Snider or anybody in human  
2 resources investigated Ms. Noel's issues that she was  
3 raising?

4 A I don't know.

5 Q Okay. Did anybody from human resources talk to  
6 you about Ms. Noel's --

7 A No.

8 Q -- allegations?

9 A No.

10 Q Do you know why that is?

11 A No, I don't.

12 Q Did you feel like you were going to have a hard  
13 time finding a spot for Ms. Noel on your team?

14 A I didn't have -- other than that one position,  
15 there weren't any other positions open in my  
16 organization that she'd have been a good fit for.

17 Q Do you know why you were instructed to take  
18 her, to take Ms. Noel?

19 A Well, as I mentioned before, it was basically  
20 poor performance, a number of conflicts, the conflicts  
21 was becoming unbearable and disruptive and we need to  
22 bring her back to the U.S.

23 Q But why -- why into your team?

24 A The explanation was that she was a subsea  
25 engineer, some parented subsea, and you're the subsea

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1     guy and so, therefore, she should come back into your  
2     organization.

3           Q     You mentioned earlier that there was a  
4     different -- I don't know if department is the right  
5     word but a different department that you thought  
6     Ms. Noel might be better suited for, and I think you  
7     called it research?

8           A     Research and development, yes.

9           Q     Why did you believe that, that Ms. Noel would  
10    have been a better fit for research and development?

11          A     Because they're the ones that hired her from  
12    the -- I want to say the contracting community, but I  
13    don't recall.

14          Q     I'm sorry?

15          A     From her prior position.

16          Q     Okay.

17          A     They were the hiring organization. My  
18    assumption was they had seen a fit of her skills to what  
19    they do. It made sense to me at the time.

20          Q     How did you learn that research and development  
21    is the department that hired Ms. Noel?

22          A     I had a conversation I want to say with Luis  
23    Cosme who was the global discipline head for subsea and  
24    trying to understand a bit more from his perspective  
25    were there other opportunities that might be a better

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1 fit for her or had they talked to him about her coming  
2 available and what maybe he could find for her to do  
3 since typically the global skill -- that global skill  
4 pool manager would play a role in some of those  
5 decisions, and he kind of briefed me on the history. I  
6 knew she had been in IR&D because I had seen a  
7 presentation she had done as part of IR&D on subsea  
8 artificial lift at Woodcreek at one point.

9 Q I'm sorry. What was that gentleman's name,  
10 Luis?

11 A Cosme.

12 Q Cosme?

13 A Yeah.

14 Q How did you come to have that conversation with  
15 Mr. Cosme?

16 A I want to say I called him on the phone or sent  
17 him an e-mail. I don't recall specifically, but Luis  
18 had worked in my organization for a period of time. We  
19 had a good relationship. I thought he might should be  
20 in the loop of those conversations.

21 Q And when you say "the loop," you're talking  
22 about after you had heard that you had been instructed  
23 to take Ms. Noel?

24 A Yes, uh-huh.

25 Q And what did Mr. Cosme say? Do you recall what

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1 he said?

2 A He told me that he had been -- had had a  
3 conversation with Cornelia back when she was with  
4 research and development around her development, next  
5 best opportunities and had recommended to her that she  
6 take a position, this position she was in in Nigeria as  
7 a broadening assignment, a way to kind of move into  
8 new -- a little bit different area of the business.

9 Q What about after Ms. Noel was being  
10 repatriated, what did Mr. Cosme say about finding a  
11 position for her at that time? Do you recall?

12 A I don't recall specifically, but given the  
13 outcome, generally I would say he didn't have any other  
14 places for her to go at the time.

15 Q When you say based on the outcome, what do you  
16 mean by that?

17 A Meaning that she ended up in my organization,  
18 so if there would have been a -- if he'd have mentioned  
19 and had a better fit for her within projects and  
20 technology, we'd have offered that up as an alternative  
21 for her.

22 Q Well, you don't know what other positions were  
23 looked at; all you know from your perspective is you had  
24 been instructed to take Ms. Noel?

25 A That's correct.

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1 Q Okay.

2 MS. MOXLEY: We've been going about an  
3 hour. Can we take a quick break?

4 MR. AHMAD: Absolutely.

5 (Recess from 3:30 p.m. to 3:41 p.m.)

6 Q (By Mr. Ahmad) All right. Mr. Peart, are you  
7 ready to proceed?

8 A Yes, sir.

9 Q Do you recall Ms. Noel applying for a delivery  
10 manager position?

11 A Yes, I do.

12 Q Do you know why she did not receive that  
13 position?

14 A There was a better candidate.

15 Q And how do you know that's the reason?

16 A Because it was my position for Gouri's  
17 replacement when he transferred to India, delivery  
18 manager major projects.

19 Q Okay. And so were you the decision maker with  
20 respect to that position or part of a panel?

21 A I was part of a panel.

22 Q Okay. And who else was on the panel?

23 A HR would have been on the panel and Gouri, I  
24 believe, but I don't remember exactly. I'd have to look  
25 at the posting.



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1 Q Okay.

2 A And then outside of that, my boss would have  
3 been informed before we would have made a delivery  
4 manager selection since there was broader strategic  
5 implications of the choice.

6 Q Is it fair to say that Ms. Noel was  
7 disappointed that she was not selected?

8 A Yes.

9 Q Did you have a discussion with her about that?

10 A I did.

11 Q Tell me about that discussion.

12 A She asked as to why she wasn't selected as many  
13 do when they're not selected. I provided some feedback  
14 to her including the fact that there was a candidate  
15 that was at the job group of the position itself. So  
16 the position was a 1, posted as a 1 position. She was a  
17 2, and it would have required a progression or a  
18 promotion. So it -- that individual, Sue Moore, was  
19 capable, qualified, had the right potential, future  
20 potential to give her that broadening assignment in the  
21 hopes of developing another Shell leader.

22 Q And how did -- how did Ms. Noel take the  
23 feedback that you gave her? Do you recall?

24 A I do because that was one of the documents I  
25 believe I looked at yesterday. She responded to me

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1 with -- again, which is -- I'd have to say generally, I  
2 mean, it was the typical response which is -- because,  
3 as you might imagine, there were numbers of individuals  
4 that apply to those positions. Some contact me ahead  
5 of, some contact me after the fact for feedback. This  
6 came not in a gross, you know, general understanding of  
7 the rationale but in a list of very specific points  
8 requesting specific details on each point and that was a  
9 bit atypical for me since most of the individuals come  
10 to me they ask for feedback, they ask for things that  
11 they can do, they listen to the things that I suggest to  
12 them, they take that on and go back to and try to work  
13 on those things, but this wasn't that. This was more of  
14 a challenge of the specific items that I tried to offer,  
15 suggestions.

16 (Exhibit 2 marked)

17 Q (By Mr. Ahmad) All right. Mr. Peart --

18 A Yes, sir.

19 Q -- you've been handed Exhibit 2 to your  
20 deposition, and this appears to be an e-mail chain  
21 starting with an e-mail from Gouri to yourself?

22 A To Alyssa or before that? Yeah, to Alyssa.

23 Q Yeah, before that.

24 A Oh, before that.

25 Q Yeah. There seems to be an e-mail December 19,

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1 4:04 p.m., from Gouri to you. It starts "Doug." Do you  
2 see that? "This is what I plan to enter into Cornelia's  
3 performance summary."

4 A Oh, okay. Yeah, I see it now.

5 Q Okay. And then I can't tell from this document  
6 whether Ms. Snider was a CC on that original e-mail or  
7 it was forwarded to her but, in any event, Ms. Snider  
8 then adds a comment in the middle and then Gouri  
9 responds to both Alyssa Snider and yourself at the top,  
10 right?

11 A Yes, I see that.

12 Q Did you have any input for Gouri after his  
13 e-mail of December 19?

14 A Let me -- let me read it --

15 Q Sure.

16 A -- because I don't recall this one. See if it  
17 jogs anything.

18 Q Okay.

19 A I don't know if I did, but as I read it now  
20 there's nothing specific that would have in my mind  
21 jumped out that needed addition, embellishment, more  
22 comment.

23 Q Okay.

24 (Exhibit 3 marked)

25 Q (By Mr. Ahmad) All right. Mr. Peart, that is

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1 Exhibit 3 to your deposition.

2 A Okay.

3 Q Do you recognize that document?

4 A Not explicitly.

5 Q Okay. It's an e-mail from Gouri to Alyssa  
6 Snider --

7 A Right.

8 Q -- CC'ing you?

9 A Right.

10 Q Okay. Right in the middle of the page or just  
11 under the middle of the page, there is a second  
12 blackened out bullet point, "We do not have work for  
13 Cornelia in her line of specialty (hardware) that is of  
14 JG2 level." Did I read that correctly? Do you see  
15 where I'm reading?

16 A Oh, down below. "We do not have work in her  
17 line of specialty (hardware) that is of JG2 level."  
18 Yes.

19 Q Okay. What does that mean, "JG2 level"?

20 A That's the Job Group 2 that we were talking  
21 about earlier.

22 Q Okay. And is that a true statement at the time  
23 in November of 2014 that y'all did not have work for  
24 Ms. Noel in her line of specialty?

25 A Not in hardware. As I said before, we had a

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1 position that was close in job group --

2 Q Okay.

3 A -- and seemed to be as good a fit as we had at  
4 the time, yes.

5 Q Okay. So you tried to make it work?

6 A Tried to make it work, yes, sir.

7 Q And so back to my question. Is that a true  
8 statement what Gouri is saying there that y'all did not  
9 have work for Ms. Noel in her line of specialty,  
10 hardware?

11 A We had several Job Group 2s in hardware at the  
12 time. Yes, we --

13 Q Okay.

14 A The answer is, no, we didn't have --

15 Q Okay.

16 A -- a need.

17 Q So that's a true statement?

18 A As best I can remember, that is a true  
19 statement.

20 Q Okay.

21 A It would make sense.

22 Q All right. But you already had that same  
23 thought when you were instructed to take Ms. Noel,  
24 right?

25 A Yes.

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1 Q Where am I going to put her, right?

2 A Yes.

3 Q Okay. Do you know why Gouri is telling Alyssa  
4 Snider and yourself that y'all do not have work for  
5 Ms. Noel in her line of specialty?

6 A I do -- oops.

7 Q I'm sorry.

8 A You go ahead.

9 Q Thanks. Okay. Do you know why Gouri is  
10 telling Ms. Snider and yourself that y'all do not have  
11 work for Ms. Noel in her line of specialty?

12 A No, I don't know specifically.

13 Q Okay. We talked earlier about the decision to  
14 eliminate Ms. Noel's job position. That was not your  
15 decision; is that right? That was not your  
16 recommendation? That came from somebody else?

17 A That's -- I was in a joint conversation with  
18 Gouri and myself --

19 Q Okay.

20 A -- so I supported whatever it was.

21 Q Okay.

22 A So I was, therefore, I guess part of the  
23 recommendation --

24 Q Got you.

25 A -- that we move down this path, yes.

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1 Q And so you did not object to Gouri's  
2 recommendation?

3 A Oh, no. No, I did not.

4 Q Okay.

5 A You know at that time I would say one more  
6 thing.

7 Q Sure.

8 A You mentioned Gouri and I remember having  
9 conversations with Gouri about the position but at time  
10 the actual decision was made I don't recall if Gouri had  
11 left by then and Sue was there and we had more  
12 conversations with Sue. I may have given her an  
13 opportunity to assess it as an independent view as well.  
14 So I don't want to say with too much knowledge that it  
15 was actually Gouri that made that recommendation, but in  
16 that combination of Gouri, Sue myself --

17 Q Okay.

18 A -- is where it came from.

19 (Exhibit 4 marked)

20 Q (By Mr. Ahmad) All right. Mr. Peart, that is  
21 Exhibit 4 to your deposition. Do you recognize that  
22 document?

23 A You'll have to give me a chance to read it, if  
24 you don't mind.

25 Q Sure, sure. Take your time.

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1 A Okay.

2 Q All right. What is Exhibit 4?

3 A Pardon me?

4 Q What is Exhibit 4?

5 A It looks as if she and I had a conversation  
6 about why she didn't -- wasn't selected for the delivery  
7 manager position to which I would have given her some  
8 feedback. Her note seems, again, which was a normal  
9 response, was a rebuttal to a couple specific issues,  
10 and what I tried to do in my note here was bring her  
11 back to the bigger level issue trying to offer her some  
12 guidance in terms of where she could improve, better  
13 position herself for roles of this type. Again, around  
14 disagreements and things that SNEPCo said and didn't  
15 say, I didn't have firsthand knowledge of that, so that  
16 was the reference to Alyssa, again, encouraging her to  
17 get with HR to talk through the SNEPCo piece of it  
18 because I didn't feel I was going to be very helpful in  
19 that regard.

20 Q What is SNEPCo?

21 A A Shell Nigeria E&P Company.

22 Q Okay.

23 A It's the deepwater branch of Shell Nigeria.

24 Q Okay. So Ms. Noel is referencing a  
25 conversation that you had with her, correct?



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1 A Yes.

2 Q All right.

3 A Appears to be, yes.

4 Q And it appears that y'all discussed that  
5 performance issues as reported by SNEPCo are having an  
6 impact in Ms. Noel's chances of finding another  
7 position; is that fair?

8 A That's what she says, yes.

9 Q Okay. And that's consistent with your  
10 understanding? I mean, if somebody is applying for a  
11 position to try and get another position at Shell, one  
12 of the things the person -- the hiring person is going  
13 to look at is the performance history; would you agree?

14 A There but I -- I remember a bit of the  
15 conversation only because there was a general feeling on  
16 my part that she was trying to position me down to  
17 something to do with everything SNEPCo was involved and  
18 I tried to bring her back to and since you've been here  
19 you haven't really done anything with this position.  
20 The feedback is consistent with that. Now, whether  
21 that's right or wrong, I don't know. So it's not -- you  
22 know to say it's just a SNEPCo issue would be a little  
23 bit too narrow in my mind.

24 MR. AHMAD: Okay. I'm going to object as  
25 nonresponsive.

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1 Q (By Mr. Ahmad) I understand what you're  
2 saying. I think my question is a little different.

3 A Okay.

4 Q Admittedly it was kind of a long-winded  
5 question.

6 But it is true, isn't it, that when an  
7 employee is looking for a position via the OR -- what  
8 does OR stand for again?

9 A Open resource.

10 Q Open resource.

11 -- via the open resource system that one  
12 of the things that a hiring manager is going to look at  
13 is the performance history; is that fair?

14 A That's correct.

15 Q Okay.

16 A In terms of IPFs, yes.

17 Q Okay.

18 A Yes.

19 Q And y'all discussed that in some form during  
20 your discussion, right?

21 A Apparently.

22 Q Okay. Well, do you -- do you recall that?

23 A I don't recall specific to this conversation  
24 but --

25 Q Okay. But --

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1           A     -- it was related -- I think if I read my  
2     response above, it's related to the totality of the  
3     evidence of performance, accomplishments, behaviors and  
4     as it relates to being a good candidate for a  
5     position -- fairly substantive position within Shell to  
6     lead a number of technical and project management people  
7     with a heavy emphasis on leadership.

8           Q     Sure. One of the things that y'all discussed,  
9     it appears, based on Ms. Noel's e-mail and your  
10    response, you state in the --

11          A     Yes.

12          Q     -- in your response, the second full paragraph,  
13    that you suggest that Ms. Noel chat with Alyssa Snider,  
14    right?

15          A     Yes.

16          Q     Okay. Regarding the specifics of her  
17    perspective, correct?

18          A     Yes.

19          Q     The performance ratings were -- were  
20    misrepresented by a series of supervisors --

21          A     Supervisors, right.

22          Q     -- and inconsistent with the true facts, right?

23          A     Uh-huh.

24          Q     That was -- it's fair to say that was  
25    Ms. Noel -- one of Ms. Noel's primary concerns is that

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1 they were misrepresenting what Ms. Noel's true  
2 performance was due to their biases, right?

3 A Okay. Yes.

4 Q Okay. And so you say, hey, I'm not really the  
5 right person to handle that; you need to talk to human  
6 resources, right?

7 A Yes.

8 Q Okay. If Ms. Noel were correct that that had  
9 been going on, that the performance ratings and the IPF  
10 did not truly reflect Ms. Noel's performance, that is a  
11 concern, right?

12 A It would have been a concern, yes.

13 Q Okay. Because you shouldn't rate somebody  
14 lower on performance due to some impermissible factor  
15 such as gender or whether they've complained of  
16 discrimination. Would you agree with that?

17 A That's correct.

18 Q Okay. And Ms. Noel felt that that's what was  
19 going on, right?

20 A Yes.

21 Q Okay. And you mentioned earlier something  
22 about since she had been repatriated, her conduct, you  
23 didn't -- you were not in the position to personally  
24 observe Ms. Noel and her conduct in that role? That  
25 would have been -- that would have fallen on Gouri?

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1           A     Gouri. But I did, not from a technical or  
2 delivery perspective in that role, but I had had these  
3 series or at least several conversations about getting  
4 feedback, here's my position, this is what they're  
5 telling me. So this -- what I try to capture here in  
6 this first paragraph is my assessment given the  
7 conversations that I have had in some ways which is  
8 these are leadership roles. These are serious  
9 positions. We had an individual that was already  
10 qualified and at the right job group to take that  
11 position that had been identified as a potential future  
12 leader in Shell, that if you could focus on things about  
13 listening and actually taking in feedback and saying  
14 thanks for the feedback and then working with your  
15 supervisor to try to help drive that improvement and  
16 demonstrate the leadership skills -- now, my exposure  
17 was limited to the engagements that we had, but,  
18 nonetheless, it was stark in my mind enough to give me  
19 pause as to are there really good leadership skills here  
20 that would be a fit for a position of that magnitude.

21           Q     Wasn't that based on Ms. Noel's ongoing  
22 concerns that she's not being evaluated fairly in the  
23 workplace? Ms. Noel did have those ongoing concerns,  
24 right?

25           A     That's correct.

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1 Q And she made it known?

2 A That's correct.

3 Q Now, with respect to the role that Ms. Noel was  
4 placed in, given the fact that it was sort of just a  
5 trying to find a place for her, forcing her into, you  
6 know, that kind of a fit and then ultimately the role  
7 going away because there just -- there wasn't a lot of  
8 work to do; is that right?

9 A It was beginning to consolidate, yes.

10 Q Right. Given that environment or that  
11 situation, it was going to be difficult for Ms. Noel to  
12 succeed in that particular role, would you agree,  
13 looking back on it?

14 A No, I don't agree.

15 Q How can Ms. Noel have succeeded in a role that  
16 was going away?

17 A The role --

18 MS. MOXLEY: Objection. Assumes facts,  
19 mischaracterizes the witness' testimony.

20 A The role wasn't going away, not when she first  
21 took it. In fact, the --

22 Q (By Mr. Ahmad) Well, when did she first take  
23 it?

24 A When she came into the organization.

25 Q When was that?

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1 A When was it?

2 Q Yeah.

3 A Whenever her transfer date was. I don't recall  
4 what the transfer date was. I'm sorry.

5 Q Okay. Well --

6 A It was July -- I think I read it in here.  
7 Wasn't it July 1st-ish or so so there's six months of  
8 history there to do something with the role and she  
9 didn't do it. It didn't -- at least it wasn't feeling  
10 like it was making progress and that was the feedback  
11 that we were getting, yes.

12 Q So you don't fault Ms. Noel for that, do you?

13 A As a Job Group 2 in the role, without knowledge  
14 of any other circumstances, I would have expected a Job  
15 Group 2 to do more with that role. I would have  
16 expected that, yes.

17 Q Well, when Ms. Noel was pulled from the role,  
18 you didn't get anybody else to fill those duties, did  
19 you?

20 A No.

21 Q Okay. So it's not like you pulled Ms. Noel  
22 because she wasn't doing the job and you found somebody  
23 else and say, hey, you can do it and somebody else went  
24 in there and did a better job, right?

25 A No.

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1           Q     Okay. And you had concerns all along that this  
2 might not even be the right fit for her. So why -- let  
3 me ask you this. Let me just throw that out.

4           A     Okay.

5           Q     What would you have expected Ms. Noel to do  
6 specifically? I've heard things like, you know, do more  
7 with the role. What specifically did you expect  
8 Ms. Noel to be able to do, or would that be a question  
9 for somebody else?

10          A     I mean, I had my own views of what that role  
11 could become. That might be to go out into the  
12 organization and identify all of the work that we were  
13 doing for various customers, to organize that, to begin  
14 to establish key contacts within those various  
15 organizations for that work, to build some mechanism to  
16 monitor the work against the approved budget. I would  
17 have expected some visits potentially to build some  
18 relationships or at least acknowledge where the focus  
19 was going to come from and establish a process for the  
20 work flow to come into our organization.

21          Q     Did you ever talk to Ms. Noel about that? Did  
22 you ever give her that specific feedback that you just  
23 gave me?

24          A     In the -- again, I don't remember the specifics  
25 of every conversation, but I would have not to that --



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1 probably not to that level of specificity perhaps. I  
2 would have expected the supervisor to do that and --

3 Q Gouri?

4 A Gouri. And we typically would have  
5 conversations about how we might get at some piece of  
6 work, yes.

7 Q One of Ms. Noel's issues, concerns that she  
8 raised with you is the lack of specific feedback in that  
9 role, true? She came to you and told you that Gouri is  
10 not giving her any kind of specific feedback, that kind  
11 of specific feedback?

12 A Yes.

13 Q Okay. Did you have a conversation with Gouri  
14 about that?

15 A I did.

16 Q What was his response?

17 A He told me basically -- and I'm going to have  
18 to paraphrase because, again, I don't remember  
19 specifics -- but when the -- when I approached Gouri to,  
20 hey, are we sure we're getting -- Cornelia doesn't feel  
21 like she's getting appropriate specific feedback on what  
22 to do to approve, Gouri would assure me and offer  
23 examples of the feedback. His issue then tended to be  
24 more that, again, there was a defensiveness, a  
25 resistance to any of the specific feedback. It was

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1 always these other people's fault that didn't enable her  
2 to do the things that he had asked her to do. So as to  
3 whether that conversation happened or not, I can't -- I  
4 wasn't privy to that conversation, but that was what he  
5 told me.

6 Q Did you ever sit down with Ms. Noel and Gouri  
7 at the same time?

8 A Yes, we did.

9 Q When was that?

10 A I don't remember. Somewhere in this time frame  
11 that Gouri was with us --

12 Q Were you able to --

13 A -- I think.

14 Q -- resolve that level of miscommunication that  
15 was going on?

16 A No.

17 Q Why not?

18 A I don't remember the conversation specifically.

19 Q So you know you had a meeting; you just don't  
20 recall what was said?

21 A I don't -- I don't even remember -- I'd have to  
22 assume we had a meeting. I don't know that for a fact.  
23 I can't point to --

24 Q Oh.

25 A -- something specific.

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1 Q Okay. So you might have had a meeting, you  
2 might not have?

3 A Right.

4 Q Okay. We talked earlier about if an employee  
5 feels like he or she is being mistreated, discriminated  
6 against, retaliated against they have an obligation to  
7 bring that to the company's attention. Do you recall  
8 that, sir?

9 A Yes.

10 Q Okay. How about if an employee or a manager  
11 observes what they believe is discrimination and/or  
12 retaliation against another employee, should the  
13 manager -- if they see that going on should that manager  
14 raise that with the company?

15 A There should be an intervention, yes.

16 Q Okay. Did you ever report to the company that  
17 you felt there was some improper conduct going on with  
18 respect to the treatment of Ms. Noel?

19 A No.

20 Q Why not?

21 A I didn't believe there was any or I wasn't  
22 aware of any or I would have, yes.

23 Q Well, we talked earlier, sir. It was unusual  
24 for you to receive an instruction that you are going to  
25 take Ms. Noel and just make her fit somewhere on your

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1 team? That was unusual, right?

2 A Yes.

3 Q And didn't -- I mean, it just -- it doesn't  
4 strike you as fair to Ms. Noel; would you agree?

5 MS. MOXLEY: Objection. Argumentative.

6 A Can you rephrase?

7 Q (By Mr. Ahmad) Yeah. You're being told --

8 A I lost my train of thought.

9 Q You're being instructed --

10 A Right.

11 Q -- to just take Ms. Noel and just find a spot  
12 for her in your organization --

13 A Yes.

14 Q -- whether it's a good fit or not?

15 A Yes.

16 Q That doesn't seem to be treating Ms. Noel  
17 fairly and giving her an opportunity to succeed, does  
18 it, sir?

19 MS. MOXLEY: Objection. Argumentative.

20 A That's speculative. It depends on what  
21 position, where. I don't --

22 Q (By Mr. Ahmad) No, it's not speculative. I  
23 mean, you were there.

24 A At least --

25 Q You were in the trenches. You received the

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1 instruction.

2 A Right.

3 Q You knew Ms. Noel's skillset. You knew what  
4 you had available.

5 A Uh-huh.

6 Q This wasn't giving Ms. Noel -- that situation  
7 was not giving Ms. Noel a real opportunity to succeed,  
8 right?

9 A That's a view. I don't -- it could have  
10 succeeded, I think.

11 Q Even though the work was going away?

12 MS. MOXLEY: Objection.  
13 Mischaracterization of the witness' testimony.

14 A The work wasn't going away. At the time there  
15 was a challenge to create something, a position with  
16 really -- and I've described already what I would  
17 expected it to be.

18 Q (By Mr. Ahmad) Well, let me ask you this, sir:  
19 Ms. Allen, Jamie Allen, she told you that Ms. Noel was  
20 being repatriated because of concerns that she had  
21 raised about her work environment, right, sir?

22 MS. MOXLEY: Objection. Mischaracterizes  
23 the witness' testimony and assumes facts.

24 A No.

25 Q (By Mr. Ahmad) That never happened?

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1 A No.

2 Q If Ms. Allen had told you that, had said, look,  
3 Mr. Peart, Ms. Noel has raised some concerns about her  
4 working environment and, therefore, we have to  
5 repatriate her, what would you have done?

6 MS. MOXLEY: Objection. Asked and  
7 answered.

8 A I would have raised it to -- if the premise  
9 that you just stated was I had firsthand knowledge that  
10 that was the reason so she came to me and said she had  
11 raised these complaints and that was the response was to  
12 send her back to me in my organization, I'd have raised  
13 that to my boss, and we would have had a bigger  
14 conversation with HR. That's the process.

15 Q (By Mr. Ahmad) Because that's the right thing  
16 to do?

17 A Yes.

18 Q What do you think HR would have done? Do you  
19 have any idea?

20 A I don't know. I just -- I mean, typically they  
21 would investigate and based on findings take whatever  
22 action was appropriate.

23 Q All right. The job that you found for Ms. Noel  
24 on your team, did it have a job description?

25 A It would have had a job description, yes.

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1 Q Okay. Do you know who prepared that job  
2 description?

3 A I don't know for sure. I would have guessed,  
4 though, typically the delivery manager would have  
5 prepared the job description for the role, but I don't  
6 know.

7 Q That would have been Gouri at the time?

8 A As far as I know, but I do not know. I don't  
9 know whether he did it or not. I don't know. I don't  
10 remember how it was actually prepared.

11 Q When Ms. Noel came back to the United States --

12 A Uh-huh.

13 Q -- why did -- well, let me just ask you: Did  
14 have you a meeting with Ms. Noel about what the job  
15 entailed and what her role was going to be, or did you  
16 leave that to Gouri?

17 A No, we -- that's what we had mentioned before.  
18 I did have a sit down. We did talk.

19 Q And when you say you mentioned that before, are  
20 you talking about earlier in your deposition?

21 A I think so, yes --

22 Q Okay.

23 A -- if I'm not mistaken.

24 Q And that would have been at the time that  
25 Ms. Noel was repatriated sometime in the summer of 2014

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1 as best you can recall?

2 A As best I can recall.

3 Q Setting aside when in the calendar year it was,  
4 it would have been when Ms. Noel came back to the  
5 United States? You would have had a sit down with her  
6 at that time; is that fair?

7 A Typically I would have.

8 Q Okay.

9 A As to whether she and I sat down specifically  
10 to talk about that or I left that with Gouri or it was a  
11 brief conversation, I don't remember the structure.

12 Q And I'm sorry. I may have asked you this  
13 earlier but --

14 A That's okay.

15 Q -- were you aware that there was a request, a  
16 specific request to terminate Ms. Noel based on job  
17 performance?

18 A At any time, or is there a time frame?

19 Q Sure. After Ms. Noel was repatriated to your  
20 team.

21 MS. MOXLEY: Objection. Vague.

22 Q (By Mr. Ahmad) Are you aware of a specific  
23 request that was made to terminate Ms. Noel's  
24 employment?

25 A No.



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1 Q Okay. Do you know if human resources  
2 recommended that Ms. Noel be terminated?

3 A I do not know.

4 Q Okay. All right. Take a look -- I'm going to  
5 show you a document that's been marked Snider Exhibit  
6 No. 1. Take a look at that for me, sir.

7 A Okay.

8 Q Do you recall that document, sir?

9 A Not in the day, no.

10 Q Okay. Exhibit 1 to Ms. Snider's deposition is  
11 an e-mail that contains a document that we've already  
12 discussed you providing feedback to Ms. Noel, right?

13 A Yes.

14 Q But this has Ms. Noel's response to your  
15 comments, right, sir?

16 A Right.

17 Q Okay.

18 A Yes, that's right.

19 Q And Ms. Noel is explaining that she's not  
20 getting specific examples, right?

21 A Yes.

22 Q And in the second section, "Performance,"  
23 Ms. Noel has stated that she intends to request a review  
24 of her -- basically her IPF score, right?

25 A Yes.

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1 Q Okay. Do you fault Ms. Noel for -- for wanting  
2 to get a review of her IPF score?

3 A No.

4 Q Okay. What did you think when you received  
5 this from Ms. Noel?

6 A Hard to say because I don't remember a lot  
7 about it. I don't remember.

8 Q You respond to Ms. Noel telling her that --  
9 you're suggesting to her that she discuss opportunities  
10 with Sue?

11 A Yes.

12 Q And that's Susan Moore?

13 A Sue Moore, yes.

14 Q And why did you suggest that?

15 A Again, I don't remember the details, but when I  
16 read it all what I recall was it was hard for me to give  
17 a lot of real specific things because she didn't work  
18 directly for me. Again, I tried to address it at the  
19 level I would typically address these things in this  
20 first note so a bit more of the higher level perspective  
21 on it. I saw Sue as an outstanding performer with a  
22 long history of outstanding performance, demonstrated  
23 leadership. She was female. I thought if there was --  
24 there might be actually a good opportunity for Cornelia  
25 to test some of these specific things with the

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1 supervisor in this instance as to how -- how these  
2 leadership skills, how do you -- what do they look like,  
3 how do you get them or what are those to be  
4 demonstrated. So without going -- you know, again, with  
5 the numbers of people that I had with the level of work  
6 that was ongoing, it's hard to continue to take a lot  
7 of -- you know, multiple conversations around details  
8 when I've about exhausted kind of what I really could  
9 tell her other than what I tried to capture in this  
10 paragraph before.

11 Q Is it fair to say that at that point you were  
12 tired of dealing with the issues that Ms. Noel was  
13 raising?

14 MS. MOXLEY: Objection. Argumentative and  
15 mischaracterizes the witness' testimony.

16 A Tired, I don't think that would be the right  
17 word.

18 Q (By Mr. Ahmad) How would you put it, sir?

19 A For me, again, it's how to manage your whole  
20 time relative to the other folks that needed my time as  
21 well. I felt like I had laid out in a broad sense where  
22 some of the opportunities for improvement were that  
23 might enable her to have a better opportu -- a chance at  
24 a leadership role. I would have expected the  
25 supervisors to do more one-to-one coaching on details

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1 connecting in actual job performance to those -- those  
2 traits.

3 Q You respond to Ms. Noel February 10th, right?

4 A Yes.

5 Q The same day that she e-mailed you. At this  
6 point in time you knew that Ms. Noel's role was being  
7 eliminated; is that fair?

8 A That, I don't remember at all.

9 Q Okay. So you might have known, you might not  
10 have known?

11 A Right.

12 Q Okay. Take a look at -- do you recall when you  
13 told Ms. Noel that her job was going away?

14 A I don't remember the time frame, no --

15 Q Okay.

16 A -- but I -- unless I'm mistaken, I believe it  
17 was -- it was after this.

18 Q Okay. I'm going to show you another document.  
19 I'm going to take that one back.

20 A Oh, this one. Okay.

21 Q This is what's marked as Snider Deposition  
22 Exhibit No. 5. Take a look at that. That is some  
23 e-mail correspondence in which Ms. Snider is coming up  
24 with the talking points for your meeting with Ms. Noel  
25 to tell her that her job has gone away, right?

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1 A Yes.

2 Q Okay. And that is taking place -- that  
3 correspondence is taking place on February 11th?

4 A Yes.

5 Q Okay. So it's fair to say that as of  
6 February 10th you already knew that the job was going  
7 away, right?

8 A This -- yeah, this would have been prompted by  
9 me.

10 Q Right.

11 A Right, yes.

12 Q And so that didn't happen just in --

13 A No.

14 Q -- the course of one day?

15 A No.

16 Q Okay. And so just to be clear, when you  
17 respond to Ms. Noel on February 10th --

18 A Yes.

19 Q -- you knew that her job was going away; you  
20 just hadn't communicated that to her yet, right?

21 A I don't think it happened in two days, but I  
22 don't recall but --

23 Q Right.

24 A -- I don't think so.

25 Q In fact, the --

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1           A     Or one day.

2           Q     -- Snider Exhibit No. 5 is preparing the  
3 talking points for the meeting with Ms. Noel, right?

4           A     Yes.

5           Q     Okay. And so that would have occurred sometime  
6 after February 11th, right?

7           A     Yes.

8           Q     Okay. Okay. And taking a look at Snider  
9 Exhibit No. 1, the e-mail that Ms. Noel writes to you,  
10 that's from her to you February 10th at 1:47 p.m.,  
11 correct?

12          A     February 10th, yes.

13          Q     All right. And then your response to Ms. Noel  
14 is just over an hour later, but you CC Sue Moore, right?

15          A     Yes.

16          Q     And you also CC Alyssa Snider, right?

17          A     Yes.

18          Q     Why did you do that?

19          A     This one, again, it was more -- it -- there was  
20 a bit of a pattern of the sense of not -- not getting  
21 her point across to others, that others just didn't see,  
22 you know, what she was capable of. This would have been  
23 one as, too, I think she mentioned a couple of things in  
24 here that again SNEPCo and things like that that I felt  
25 like I had been -- that Alyssa ought to know about

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1 because I've actually now referred Cornelia to Alyssa at  
2 least twice I think here, so I want to make sure that  
3 there's a cohesive view by the people involved and  
4 around this -- this work. I would have -- yeah, I would  
5 have included her in that.

6 Q Did you have the sense that whatever Ms. Noel's  
7 issues were relating to the performance feedback and  
8 SNEPCo, did you have the sense that Ms. Noel really  
9 ought to just put that behind her and focus on going  
10 forward?

11 A As to whether or not she would put it behind  
12 her, I don't know that I felt she ought to put it behind  
13 her. Again, knowing the small piece that I knew, I  
14 likely felt that she ought to try to learn from that and  
15 try to move on and, yeah, take this opportunity and make  
16 something of it.

17 Q So take the -- take the past and move on from  
18 it and try to use it as an opportunity to improve?

19 A That was kind of general guidance I would give  
20 folks.

21 Q You tell -- or sorry. You suggest to Ms. Noel  
22 to talk to Sue Moore. That was your response to  
23 Ms. Noel, right?

24 A Yes.

25 Q 3:04 p.m., right?

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1 A Yes.

2 Q Okay. Before responding to Ms. Noel, you  
3 actually forwarded the e-mail chain to Ms. Snider. Do  
4 you recall that?

5 A No, I don't recall it but --

6 Q All right. This is --

7 A -- if you have something.

8 Q Yes, Snider Exhibit No. 14.

9 A Okay.

10 Q And so just a few minutes before you actually  
11 respond to Ms. Noel, you forward the e-mail chain to  
12 Ms. Snider --

13 A Uh-huh.

14 Q -- with the a message, "Please hurry" --

15 A Yes.

16 Q -- "Help me."

17 A Yes.

18 Q What are you referring to there, sir?

19 A What I was looking for, again, is some  
20 conversation and ideas, advice on how to be helpful as  
21 it related to some of these accusations, requests. The  
22 one-to-one meeting, something relative to best and worse  
23 performers, that likely wouldn't have happened with me.  
24 So, again, it was, Alyssa, I need -- I need your help  
25 here to crystallize what -- what we're going to do.



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1 MR. AHMAD: Okay. I'm going to object as  
2 nonresponsive.

3 Q (By Mr. Ahmad) Sir, you asked Ms. Snider to  
4 "hurry."

5 A Hurry.

6 Q Hurry and do what?

7 A Hurry and get back with me with thoughts,  
8 ideas. I don't know. I really don't remember the --

9 Q Okay. But you do know that at this time you  
10 were waiting on HR to give you the go-ahead and give you  
11 the suggestive language for telling Ms. Noel that her  
12 position was being eliminated, right?

13 A That's true, yes.

14 Q Okay. In fact, the day after you tell  
15 Ms. Snider to "Please hurry" is when Ms. Snider  
16 circulates proposed language for the meeting with  
17 Ms. Noel, right?

18 A Yes.

19 Q And so it's fair to say that Ms. Snider's  
20 e-mail in which she's put together some proposed  
21 language to tell Ms. Noel where she circulates that on  
22 February 11th, it's fair to say that that was prompted  
23 by your e-mail to her on February 10th; is that fair?

24 MS. MOXLEY: Objection. Assumes facts.

25 Q (By Mr. Ahmad) Is that fair?

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1           A     Sorry.  You're going to have to say it again.

2     I was trying --

3           Q     Sure.

4           A     -- to recall --

5           Q     Yeah, let me just --

6           A     -- while you were talking.

7           Q     Yeah.  You may actually still have it in front  
8     of you.

9           A     Oh.

10          Q     It's Snider Exhibit No. 5.  Yes, this one.

11          A     This one?

12          Q     Yeah.

13          A     Yes.

14          Q     Ms. Snider circulates language --

15          A     Yes.

16          Q     -- for the meeting, proposed language for the  
17     meeting with Ms. Noel telling her that her job was  
18     eliminated.

19          A     Uh-huh.

20          Q     She circulates that on February the 11th,  
21     right?

22          A     Uh-huh, yes.

23          Q     Okay.  One day after your e-mail to her asking  
24     her to please hurry --

25          A     Please hurry.

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1 Q -- right?

2 A Yes.

3 Q It's fair to say that Ms. Snider's e-mail with  
4 the proposed language to communicate to Ms. Noel that  
5 was done in response to your e-mail to her the day  
6 before; is that fair?

7 MS. MOXLEY: Objection. Assumes facts.

8 A I don't know for a fact.

9 Q (By Mr. Ahmad) Seems to be a reasonable  
10 interpretation, though, would you agree?

11 MS. MOXLEY: Objection. Argumentative.

12 A Seems reasonable.

13 Q (By Mr. Ahmad) Okay. All right. Let me see  
14 this Snider exhibit so the court reporter doesn't start  
15 beating me over the head. And here. Okay. There.

16 All right. So take a look at Exhibit  
17 No. 1 to your deposition. If you look on the third page  
18 of that, there is an e-mail from Jamie Allen to Jerry  
19 Jackson and yourself March 4th, 2014, at 3:59 p.m.,  
20 right?

21 A Uh-huh.

22 Q In that e-mail Ms. Allen is telling you and  
23 Jerry that Ms. Noel is being repatriated because she  
24 raised concerns about the work environment. Do you see  
25 that in there, sir? It's the fourth bullet point in the

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1 italicized language.

2 A Oh, okay. I hadn't got that far.

3 Q I mean, you read the e-mail when you received  
4 it, right, sir?

5 A Not necessarily, no.

6 Okay.

7 Q Isn't that what Ms. Allen is telling you --

8 MS. MOXLEY: Objection.

9 Q (By Mr. Ahmad) -- that that's why --

10 A I don't know. I didn't write it so I can't --

11 Q Well, sir, I'm not asking you to write it. I'm  
12 asking you to read it. Isn't that what Ms. Allen is  
13 saying in the e-mail to you?

14 MS. MOXLEY: Objection. Mischaracterizes  
15 the document.

16 A I'm sorry. Can you say your question again?

17 Q (By Mr. Ahmad) Sure. In this e-mail that  
18 Ms. Allen wrote to you March 4th --

19 A Yes.

20 Q -- 2014, Ms. Allen is telling you and Jerry --

21 A Yes.

22 Q -- that Ms. Noel was being repatriated --

23 A Yes.

24 Q -- because she raised concerns about her work  
25 environment, right, sir?

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1 A No.

2 MS. MOXLEY: Objection.

3 Mischaracterizes --

4 Q (By Mr. Ahmad) Isn't that what the e-mail  
5 says?

6 MS. MOXLEY: -- the document.

7 A No, that's not what it says to me.

8 Q (By Mr. Ahmad) Okay.

9 A It said to me exactly what she told me verbally  
10 which was her work at -- her place in that work  
11 environment had deteriorated, conflicts and behaviors  
12 and such, to where it had become untenable, and they  
13 needed to repatriate her to my team. That's what I took  
14 away from -- would take away from that because that  
15 would be consistent with to me what they articulated a  
16 couple of times.

17 Q Well, Ms. Allen is articulating to you on  
18 March 4th, 2014, some proposed language for Cornelia  
19 Noel, one of which is saying -- and I will quote -- "You  
20 have raised your own concerns about the work  
21 environment, therefore, we will be repatriating you."  
22 That's pretty clear, would you agree, sir?

23 A I don't know that -- honestly, I don't know  
24 that I read that part --

25 Q Oh, I --

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1 A -- but now you're talking about?

2 Q Yes, sir.

3 A I see your point.

4 Q That doesn't seem right, does it, sir?

5 MS. MOXLEY: Objection. Argumentative.

6 A The way it's phrased, it doesn't appear that  
7 way, no.

8 Q (By Mr. Ahmad) If you had read this at the  
9 time, that's something -- we talked about this  
10 earlier --

11 A Yes.

12 Q -- that's something that ought to be reported  
13 to the company so that the company can investigate?

14 MS. MOXLEY: Objection. Argumentative.

15 Q (By Mr. Ahmad) Somebody is being repatriated  
16 because they raised concerns about their work  
17 environment; is that fair, sir?

18 MS. MOXLEY: Objection. Argumentative.

19 A It would have certainly warranted some  
20 conversation, further conversation, I think.

21 MR. AHMAD: I'll pass the witness.

22 MS. MOXLEY: We reserve our questions for  
23 the time of trial. We'll read and sign.

24 MR. AHMAD: Thank you, sir.

25 (The deposition concluded at 4:43 p.m.)

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[illegible]

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1 I, DOUGLAS PEART, do hereby certify that I have  
2 read the foregoing transcript and that the same and  
3 accompanying change sheets, if any, constitute a true  
4 and complete record of my testimony.

5  
6  
7 \_\_\_\_\_  
DOUGLAS PEART

\_\_\_\_\_  
Date

8  
9 -----  
10 STATE OF \_\_\_\_\_

11 COUNTY OF \_\_\_\_\_

12 SUBSCRIBED AND SWORN to before me, the undersigned  
13 authority, on this, the \_\_\_\_\_ day of \_\_\_\_\_,  
14 20\_\_\_\_\_, by said witness.

15  
16 \_\_\_\_\_  
17 (Signature) Notary Public

18  
19 \_\_\_\_\_  
20 (Print Name) Notary Public

21  
22 My commission expires \_\_\_\_\_.



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1 STATE OF TEXAS )

2 COUNTY OF HARRIS )

3  
4 I, Wendi Broberg, Texas CSR No. 7091, do hereby  
5 certify:

6 That the foregoing deposition of DOUGLAS PEART was  
7 taken before me at the time and place herein set forth,  
8 at which time the witness was put under oath by me;

9 That the testimony of the witness and all  
10 objections made at the time of the examination were  
11 recorded stenographically by me, were thereafter  
12 transcribed under my direction and supervision and that  
13 the foregoing is a true record of same.

14 I further certify that I am neither counsel for nor  
15 related to any party to said action, nor in any way  
16 interested in the outcome thereof.

17 In witness whereof, I have subscribed my name this  
18 6th day of January, 2017.

19  
20  
21 

22 WENDI BROBERG, Texas CSR 7091  
23 Expiration Date: 12/31/17  
24 Raska Reporting  
25 Firm Registration No. 604  
4008 Louetta Road  
Suite 233  
Spring, Texas 77388  
Ph. (832) 998-0015

